

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: <u>7/16/10</u>
--

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
PETER LINDNER,

Plaintiff,

-v.-

AMERICAN EXPRESS COMPANY,

Defendant.
-----X

ORDER

10 Civ. 2228 (JSR)(JLC)

By Order of Reference filed on March 31, 2010, District Judge Jed S. Rakoff has referred this case to me for general pre-trial supervision and for a report and recommendation on any dispositive motions. The docket sheet in this action indicates that the complaint was filed on March 15, 2010 and that the summons was issued on that date. Rule 4(m) of the Federal Rules of Civil Procedure provides:

If a defendant is not served within 120 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period. This subdivision (m) does not apply to service in a foreign country under Rule 4(f) or 4(j)(1).

In accordance with this rule, Mr. Lindner was required to arrange for service of the summons and complaint on the defendant by July 13, 2010. No proof of service of the complaint has been filed to date. If service is not made by August 13, 2010, or if no application is made in writing by such date to extend the time for service showing good cause for the failure to serve, this action may be dismissed without prejudice.

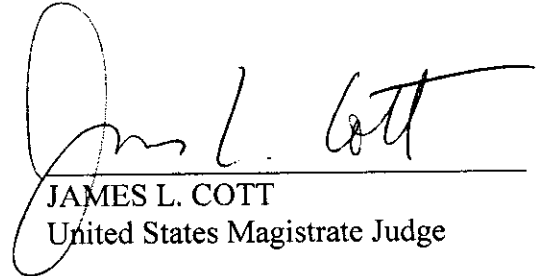
Mr. Lindner is required to provide prompt written notice, both to the Pro Se Office and my chambers, about any change of his address. Failure to do so may result in dismissal of this action.

USDC SDNY
DATE SCANNED 7/16/10

Please be aware that the Pro Se Office at the United States Courthouse, 500 Pearl Street, Room 230, New York, New York 10007 (Telephone: (212) 805-0175) may be of assistance to you in connection with court procedures.

SO ORDERED.

Dated: New York, New York
July 15, 2010



JAMES L. COTT
United States Magistrate Judge

Copies of this Order have been mailed to the following:

Peter Lindner
1 Irving Place
#G-23-C
New York, NY 10003

Pro Se Office
Room 230

Hon. Jed S. Rakoff